

[40128/00901]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : HEMMERLING et al.  
Serial No. : 10/730,811  
Filed : December 8, 2003  
For : Neuromuscular Monitoring Using Phonomygraphy  
Group Art Unit : 3762  
Examiner : To Be Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

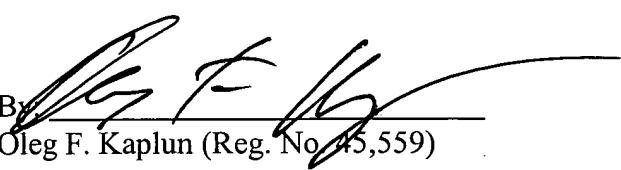
**RESPONSE**

In response to a Notice to File Missing Parts mailed on March 10, 2004, transmitted herewith is a copy of an executed Declaration for filing in the above-identified patent application. A copy of the Notice is enclosed herewith.

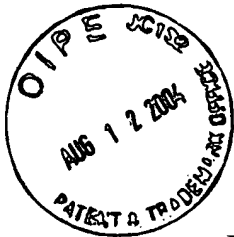
Dated:

*Aug. 9, 2004*

By

  
Oleg F. Kaplun (Reg. No. 45,559)

FAY KAPLUN & MARCIN, LLP  
150 Broadway, Suite 702  
New York, N.Y. 10038  
(212) 619-6000 (telephone)  
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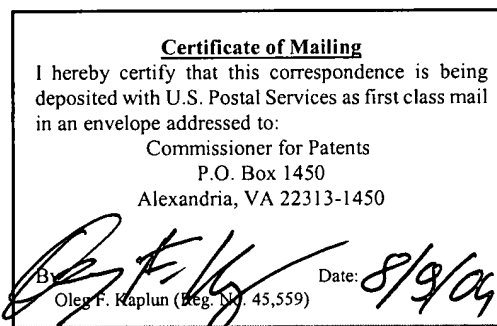


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P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop: Missing Parts



**TRANSMITTAL**

Transmitted herewith please find a Response to a Notice to File Missing Parts mailed on March 10, 2004 along with a Supplemental Information Disclosure Statement and PTO-1449. Applicants hereby request a three month extension. The Commissioner is hereby authorized to charge the Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492 in the amount of \$540.00 and any additional fees required. A copy of the Transmittal is enclosed for this purpose.

Dated: *Aug. 9, 2004*

By: *[Signature]*  
Oleg F. Kaplun (Reg. No. 45,559)  
FAY KAPLUN & MARCIN, LLP  
150 Broadway, Suite 702  
New York, N.Y. 10038  
Tel: (212) 619-6000  
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08/12/2004 SMINASS1 00000037 501492 10730811  
02 FC:2253 475.00 DA



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/730,811	12/08/2003	Thomas Hemmerling	

CONFIRMATION NO. 2726

## FORMALITIES LETTER



\*OC000000012061266\*

Fay Kaplun & Marcin, LLP  
 Suite 702  
 150 Broadway  
 New York, NY 10038

Date Mailed: 03/10/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/12/2004 SHINASS1 00000037 501492 10730811

FILED UNDER 37 CFR 1.53(b)

01 FC:2051 65.00 DA

**Filing Date Granted****Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

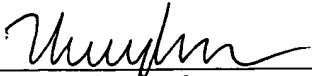
**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in dark ink, appearing to read "Muylen", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE